

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re:

Anthony J. Boglino
Stefanie A. Boglino
aka Stefanie A. Alba,
Debtors.

APPLICATION

**CASE #: 8-16-70353-ast
CHAPTER 7**

APPLICATION FOR RELIEF FROM AUTOMATIC STAY

To: Honorable Alan S. Trust
U.S. Bankruptcy Judge

The Application of Wells Fargo Bank, N.A. respectfully shows:

1. Secured Creditor is the holder of a Note executed by Anthony Joseph Boglino AND Stefanie A. Boglino ("Debtors") in the original amount of \$372,847.00 ("Note"), secured by a mortgage, which was recorded in the Nassau County Clerk's Office on October 1, 2012 in Liber Book: M 37778 of Mortgages at Page 181 ("Mortgage") covering the premises commonly known as 3878 Darby Lane, Seaford, NY 11783 (the "Subject Property"). Said Mortgage was assigned to Secured Creditor by way of Assignment of Mortgage executed on February 11, 2016 and recorded in the Nassau County Clerk's Office on March 8, 2016 at Instrument # 2016-22901. A copy of the Note, Recorded Mortgage, and Assignment of Mortgage are annexed hereto as Exhibit "A".

2. On the 29th day of January, 2016 Debtors filed a Petition under Chapter 7 of Title 11 U.S.C. §101 et seq. with this Court and an Order for Relief was duly entered.

3. The Note and Mortgage provide that the Debtors will be in default if the Debtors do not make full payments on each due date.

4. The Debtors have failed to pay the last 3 payments due February 1, 2016 through April 1, 2016 each in the amount of \$2,731.27, and have not cured said default.

5. A Relief From Stay – Real Estate and Cooperative Apartments Worksheet dated April 19, 2016 is attached hereto as Exhibit “B”

6. As of the 18th day of April, 2016, there is an unpaid principal balance owed on the Note and Mortgage in the sum of \$346,964.84, with interest thereon in the amount of \$6,063.00, plus late charges in the amount of \$437.00, plus non-sufficient fee charges in the amount of \$80.00, for an estimated total amount of \$353,544.84 owing the Secured Creditor. Interest on the unpaid balance will continue to accrue, and to protect its secured interest in the Subject Property, Secured Creditor may be required to make further advances for property taxes, insurance, and related matters.

7. On January 29, 2016, the Debtors filed their Schedule A. The Schedule A estimates the fair market value of the Subject Property to be \$399,094.00. A copy of Schedule A is annexed hereto as Exhibit “C”.

8. Section 362(1) of the Bankruptcy Code Provides in pertinent part that the Court shall grant relief from the stay imposed by Section 362(a) “for cause, including lack of adequate protection of an interest in property....” As set forth above, cause exists to vacate the automatic stay as the Debtors have failed to make monthly mortgage payments to the Secured Creditor and there exists no equity in the Subject Property.

9. Secured Creditor will account to the trustee for any surplus received as a result of its foreclosure of the Subject Property.

10. Secured Creditor respectfully requests that the automatic stay be vacated, that the Court permit the trustee to abandon the Subject Property.

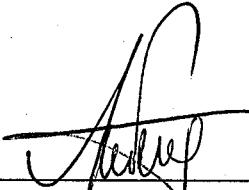
11. Waiver of the stay invoked pursuant to Federal Rule of Bankruptcy Procedure 4001(a)(3) is sought so the Secured Creditor, its successors and/or assigns can immediately proceed with the foreclosure and/or eviction actions without further delay or economic harm.

12. A copy of the proposed Order granting relief is annexed hereto as Exhibit "D".

13. No prior application has been made for the relief requested herein.

WHEREFORE, Secured Creditor respectfully requests that this Court enter an Order lifting and vacating the automatic stay to permit Secured Creditor to foreclose its Mortgage on the Subject Property and further relief as the Court deems just and proper.

DATED: April 8, 2016
Rochester, New York



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